

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 33637 of 2006(D)

PETITIONER:

**SALINI.P.S., D/O.SURENDRAN,
AGED 26 YEARS, PERUMARATH HOUSE,
CHENGALLOOR P.O., THRISSUR.**

**BY ADV. SRI.K.R.RAJKUMAR
SRI.JAGADEESH LAKSHMAN**

RESPONDENTS:

- 1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
- 2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, KERALA PUBLIC
SERVICE COMMISSION, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM.**
- 3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, PALAKKAD.**

**BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR
GOVERNMENT PLEADER SRI. P.C.SASIDHARAN SC FOR PSC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 33637/2006

APPENDIX

PETITIONER'S EXHIBITS.

EXT.P1. COPY OF THE RANKED LIST NO. 62/04/SS V BY THE R2 DT. 22/3/04.

EXT.P2. COPY OF THE RELIEVING CERTIFICATE ISSUED BY THE CHIEF MEDICAL OFFICER, DIST. AYURVEDA HOSPITAL PALAKKAD TO K.K. UNNIKRIISHNAN WHO IS RANKED AS 2ND EXT. P1.

EXT.P3. COPY OF THE NON JOINING DUTY REPORT BY SINI P.S WHO IS RANKED AS 5TH IN EXT. P1.

RESPONDENT'S EXHIBITS NIL

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 33637 of 2006-D

Dated this the 24th day of July, 2007.

J U D G M E N T

The petitioner is a candidate, included in Ext.P1 rank list, published by the Public Service Commission, for appointment to the post of Laboratory Technician Grade II, in Indian Systems of Medicine Department, in Palakkad District. She is rank No.7 in the main list. She belongs to Ezhava community. The petitioner submits, Rank No.2 Unnikrishnan K.K., who belongs to Ezhava community did not join duty in the department. So, in his place, the next Ezhava candidate Sini P.S., Rank No.5 should have been advised. She has already relinquished her claim. So, as the next Ezhava candidate, the petitioner should have been appointed. Based on the above claim, this writ petition is filed.

2. The Public Service Commission has filed a counter affidavit, opposing the prayers in the writ petition.

3. Heard the learned counsel on both sides. The claim that Mr.Unnikrishnan K.K has not joined duty is based on Ext.P2 is only an order relieving K.K.Unnikrishnan, on his transfer from one hospital to join another hospital. So, Unnikrishnan is very much in service. Therefore, the claim of the petitioner mentioned above is unfounded and unsustainable. Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.